



Public Notice

Applicant:

Uniland Construction
Corporation

Date:

Published: November 24, 2004
Expires: December 23, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 96-976-46(6)** **Section: NY 404**

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Uniland Development Company Inc, 100 Corporate Parkway, Amherst, New York 14226 has applied for a Department of the Army permit to place fill into Federal jurisdiction wetlands in order to construct an office building (Geico Direct) at the Crosspoint Business Park. The project is located at 3660 Millersport Highway, in the Town of Amherst, Erie County, New York.

The project consists of the following:

- a. Approximately 0.23 acres of Federal jurisdiction wetlands will be filled with the construction of the proposed office building and appurtenances (parking lots, driveways). The wetland impacts will occur within one wet meadow wetland populated entirely with rush and sedge species.
- b. As mitigation for the unavoidable impacts to the wetland the applicant proposes to construct at a minimum 0.54 acre of emergent wetland at the Spring Marsh Consolidated Wetland Area in accordance with the attached drawings. The Spring Marsh Consolidated Wetland Area is located South of Koepsel Road, Town of Newstead, Erie County, New York.
- c. There were previous impacts on the site in the amount of 0.308 acre for the construction of a road in 1996. There are a total of 0.23 acre of Federal jurisdiction wetland on site. The cumulative impacts for this project total 0.538 acre.

The purpose of this project is to construct an office building for Geico Direct.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Vincent D. Pero, who can be contacted by calling (716) 879-4337, or by e-mail at: vincent.d.pero@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Vincent D. Pero, or by e-mail at: vincent.d.pero@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

CROSSPOINT BUSINESS PARK

D/A Processing No. 96-976-46(6)

Erie County, New York Quad: TONAWANDA
EAST

Sheet 1 of 8

PROJECT SITE

300 Crosspoint Parkway

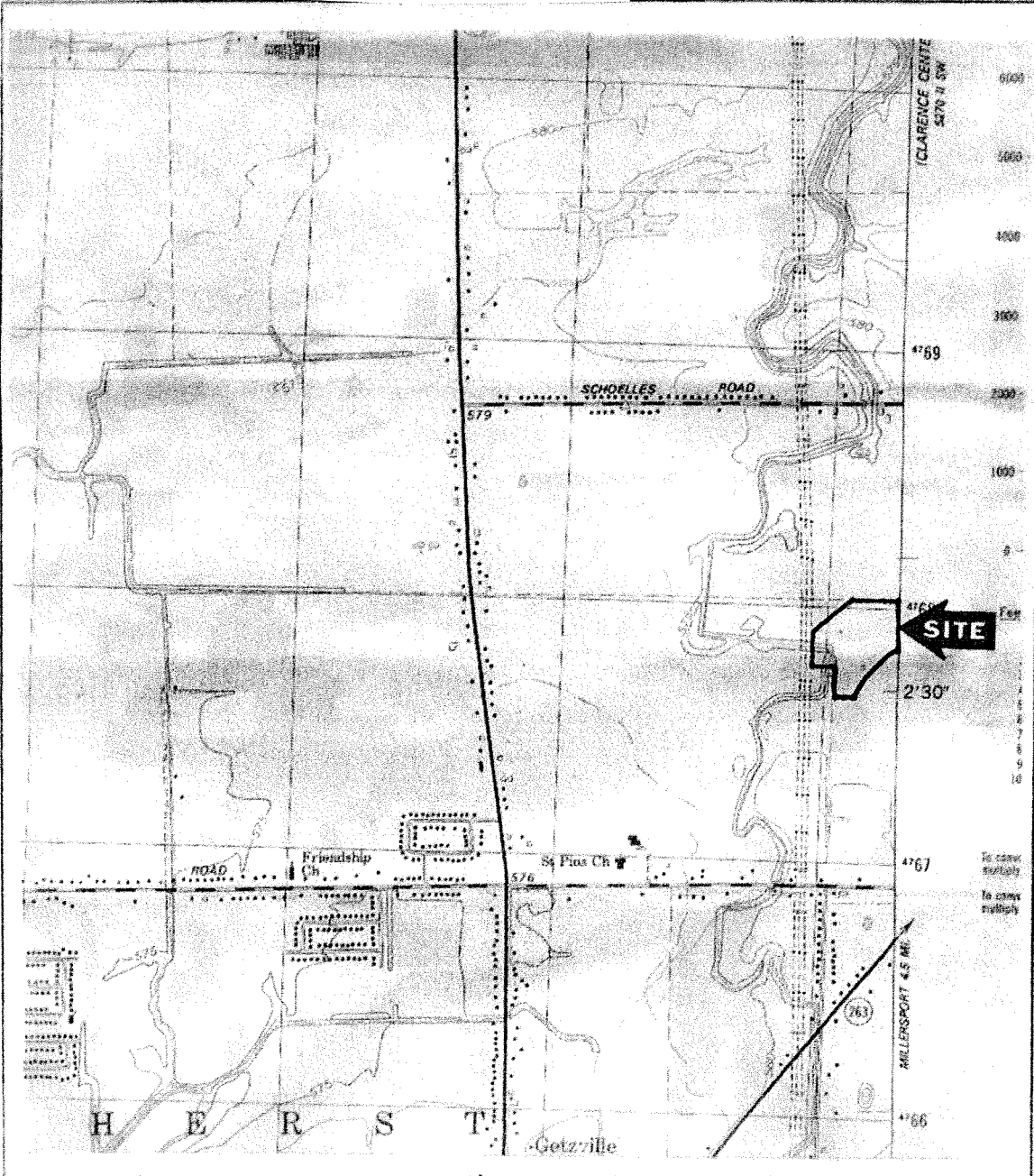
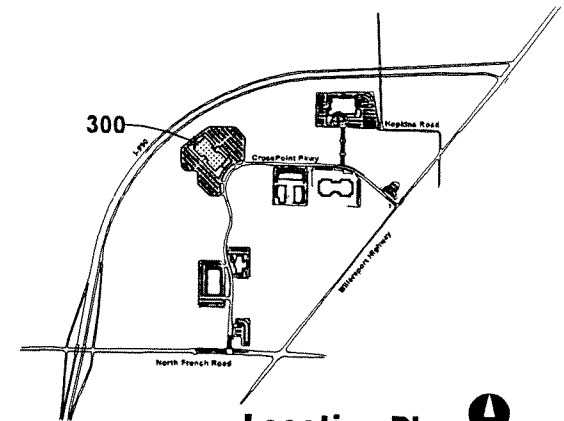
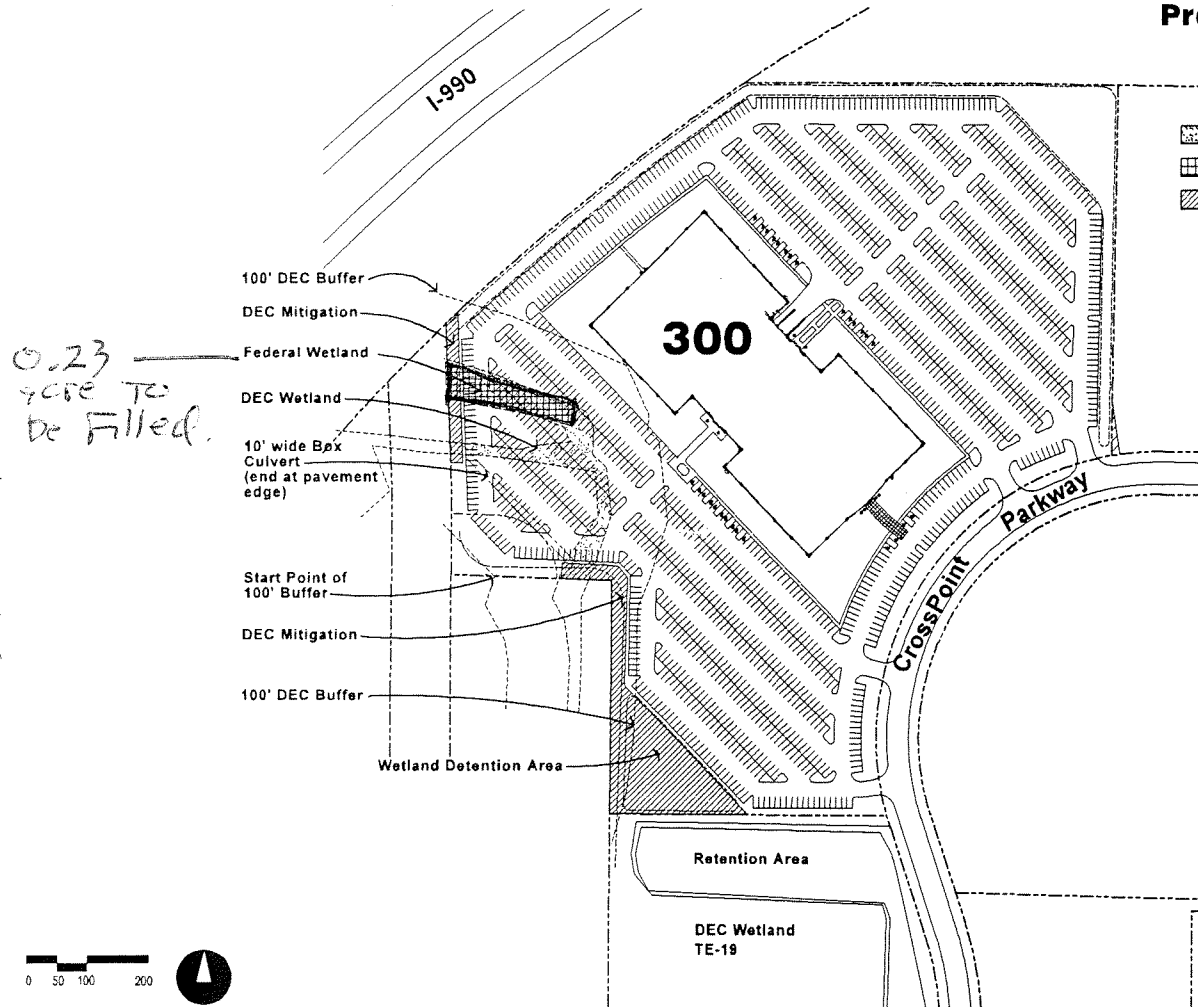


Figure 1: USGS 7.5 minute quadrangle
map
Tonawanda East Quadrangle (1980)

300 CrossPoint Parkway
Town of Amherst
Erie County, New York

Proposed Site Plan with Additional Parking
Option A.2

DEC Wetland Acres: .54 acres
Federal Wetland Overlay: .23 acres
Mitigation Acres: 0.89 acres



Location Plan

09/13/04

Revised 10/07/04

Limits of Phase 1

Figure 2: Creation Area Overview

W2A95c/W20B98a
Federal Mitigation for 300 Crosspoint Parkway
at Spring Marsh

Creation Area (A):
0.33 ±acre of creation
for impacts associated with
300 Crosspoint Parkway

Creation Area:
0.50 ±acre of creation
for impacts associated with
Eastport Commerce Center

Creation Area (B):
0.21 ±acre of creation
for impacts associated with
300 Crosspoint Parkway


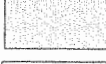




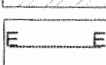

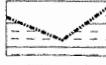

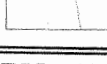
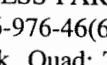
Creation Area:
0.81 ±acre of creation
associated with Wetland
Swale & Creation area

SCALE

100'

MITIGATION
AREA

LEGEND

-  Existing Wetland Area
-  Proposed Wetland Creation Areas for 300 Crosspoint Parkway Impacts
-  Proposed Wetland Creation Areas for Swale Impacts and Eastport Impacts
-  Proposed Federal Wetland Impact from proposed Wetland Swale Creation
-  Proposed State Buffer Zone Impact from proposed Wetland Swale Creation
-  Wetland Swale
-  Unnamed Tributary to Ledge Creek
-  Cross-section Location
-  NYSDEC Freshwater Wetland WO-44
-  Buffer to NYSDEC FW Wetland WO-44
-  Proposed Soil Stock Pile Areas
-  berm/shoulder

CROSSPOINT BUSINESS PARK
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EAST
Sheet 4 of 8

LIMITS OF 100' BUFFER

N.Y.S.D.E.C W0-44

Unnamed Tributary to Ledge Creek



MITIGATION SITE TOPO

Figure 5: Existing Topography

W2A95c/W20B98a

Mitigation 1

CROSSPOINT BUSINESS PARK

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EAST

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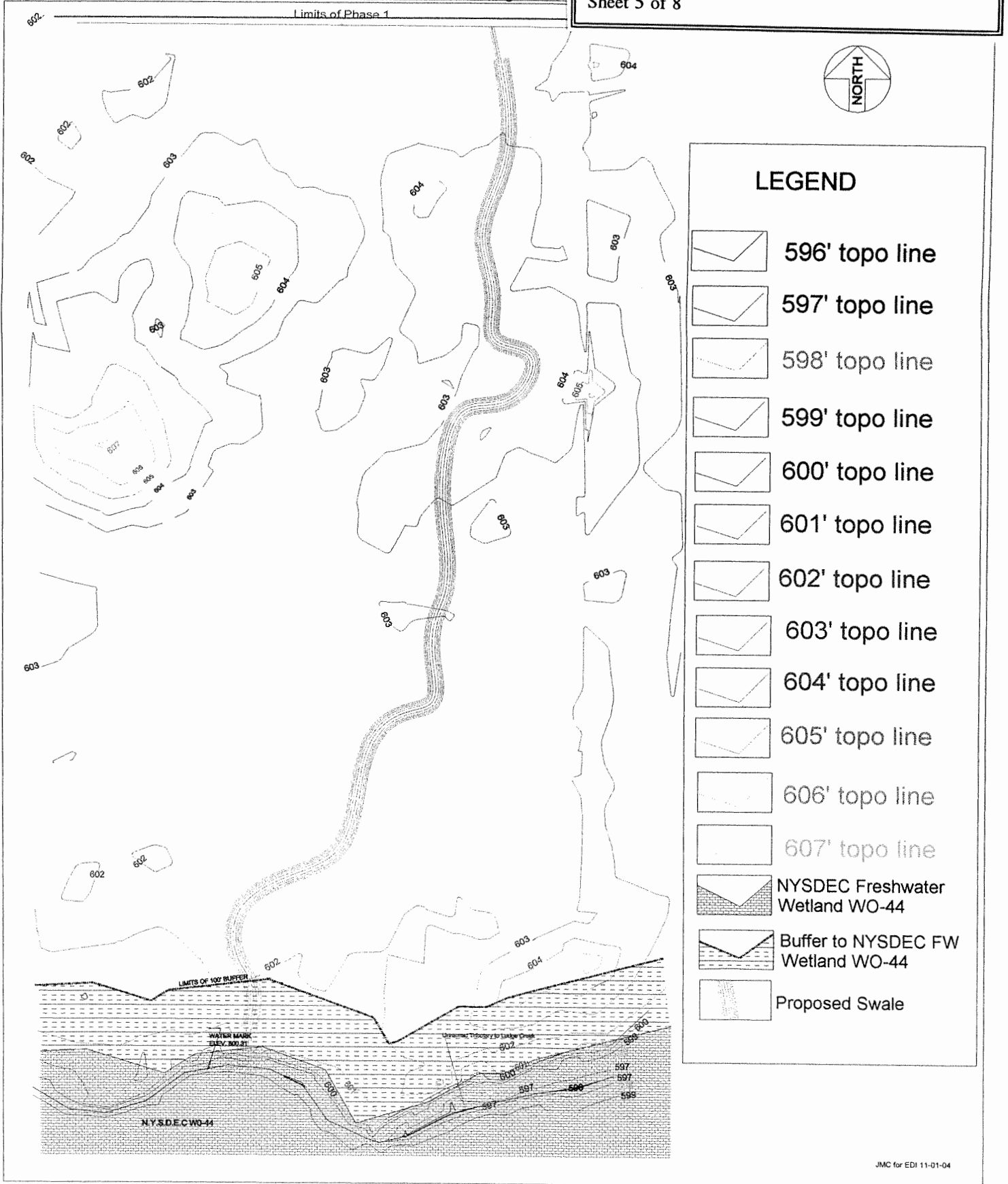
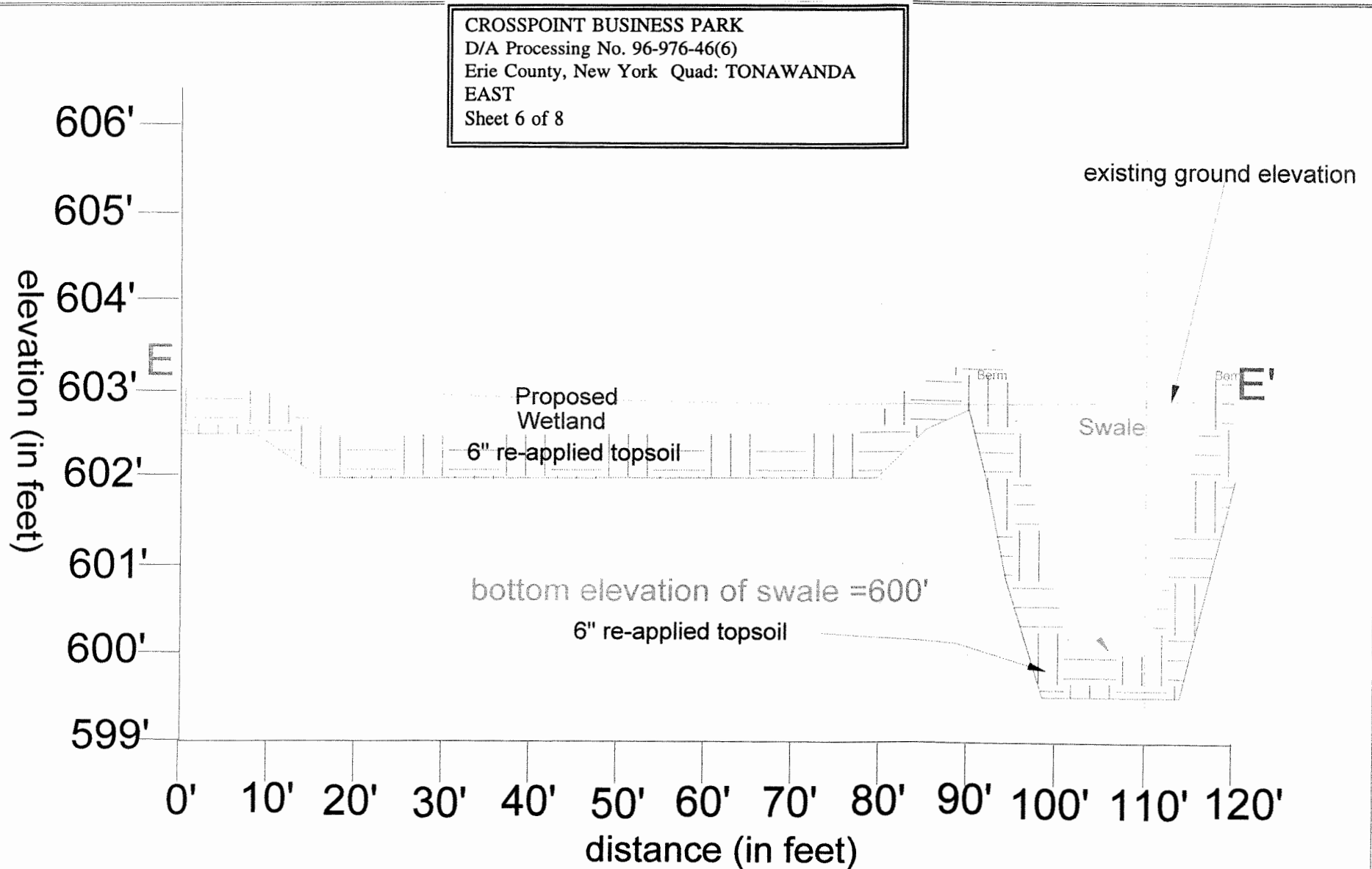


Figure 4: Cross-Section Area E-E'

W2A95c/ W20B98a

Mitigation for 300 Crosspoint Parkway at Spring Marsh



Sheet 7 of 8

Figure 3a: Creation Area (A) (in Zoom)

Mitigation for 300 Crosspoint Parkway at Spring Marsh

W2A95c/W20B98a

southern limits of Phase I

Proposed Wet Meadow Community

0.33 ± acre

Wetland swale

existing upland

existing wetland

Wetland Creation Area (A):
0.33 ±acre of creation

SPECIFICS:

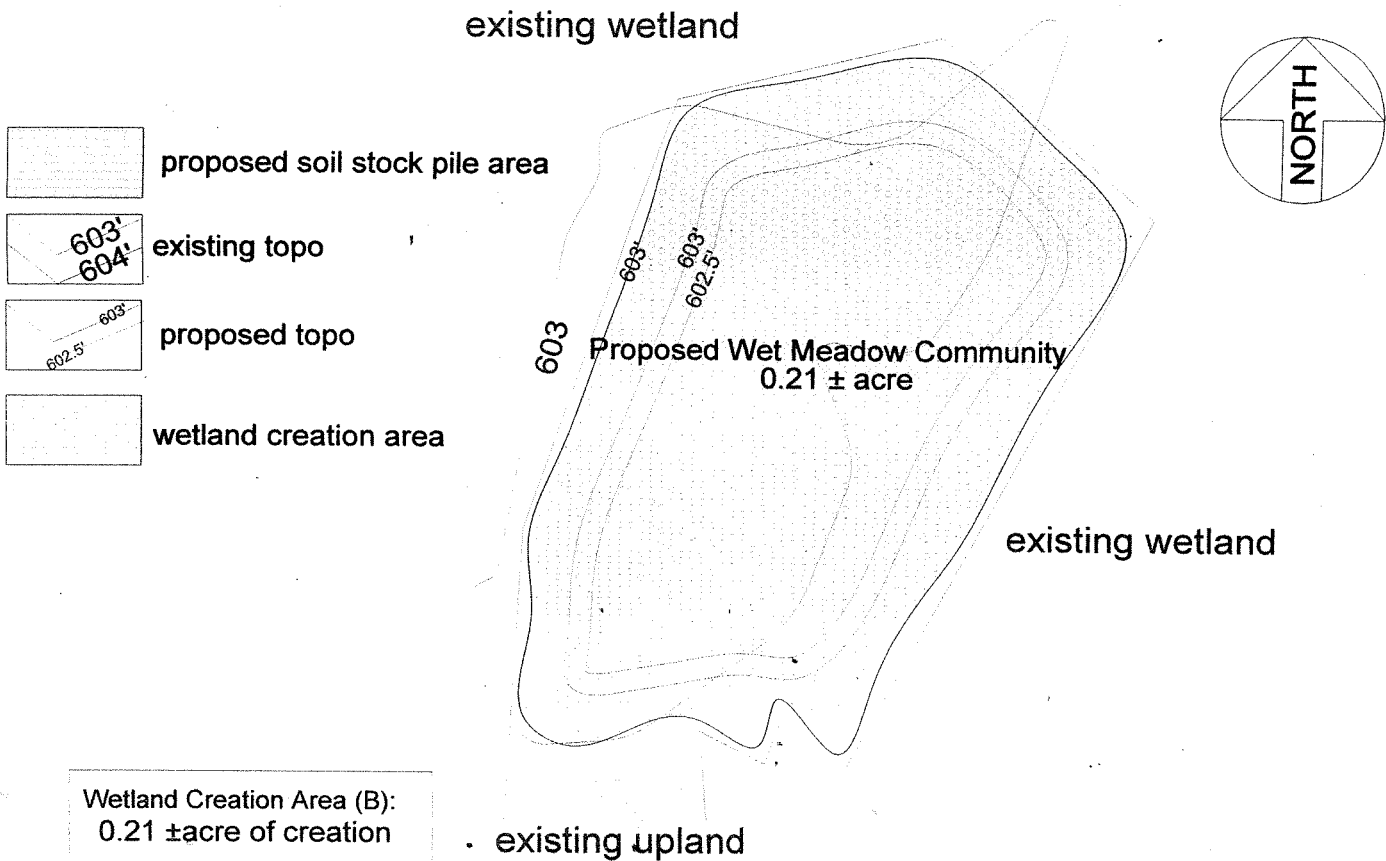
1. 8:1 side slope in wetland creation area
2. Bottom elevation of wetland creation will be 1-2' below existing elevation
3. For cross-section, please see Figure 4.

NORTH

Figure 3b: Creation Area (B) (in Zoom)

W2A95c/W20B98a

Mitigation for 300 Crosspoint Parkway at Spring Marsh



SPECIFICS:

1. 8:1 side slope in wetland creation area
2. Bottom elevation of wetland creation will be 1-2' below existing elevation